



EFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ikunobu KATO et al.

Art Unit: 1635

Application No.: 09/937,375

Examiner: J. Angell

Filed: September 24, 2001

Washington, D.C.

For: GENE THERAPEUTICS

Atty.'s Docket: KATO=18

Confirmation No.: 8012

Date: September 3, 2004

Customer Window, Mail Stop **AMENDMENT**  
THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Arlington, VA 22202

Sir:

Transmitted herewith is a [XX] REPLY: AMENDMENT AND REMARKS in the above-identified application.☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[xxx] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 3	MINUS	** 50	0
INDEP.	* 1	MINUS	*** 6	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 290	\$
TOTAL	
\$	

OR

OR

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- ☐ First - \$ 55.00
- ☐ Second - \$ 210.00
- ☐ Third - \$ 475.00
- ☐ Fourth - \$ 740.00

Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

- ☐ First - \$ 110.00
- ☐ Second - \$ 420.00
- ☐ Third - \$ 950.00
- ☐ Fourth - \$ 1480.00

Month After Time Period Set

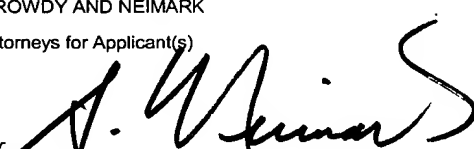
☐ Less fees (\$ ) already paid for \_\_\_ month(s) extension of time on \_\_\_\_\_.☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_.☐ A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO=18

In re Application of:	)	Art Unit: 1635
	)	
Ikunoshin KATO et al	)	Examiner: J. E. Angell
	)	
I.A. Appln. PCT/JP00/01533	)	Washington, D.C.
I.A. Filing Date: 3/14/2000	)	
	)	Confirmation No. 8012
U.S. Appln. No. 09/937,375	)	
Nationalized: 9/24/2001	)	September 3, 2004
	)	
For: GENE THERAPEUTICS	)	

**REPLY: AMENDMENT AND REMARKS**

Customer Window, Mail Stop Amendment  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Replying to the Office Action mailed June 3, 2004,  
please amend as follows:

**Amendments to the Claims** are reflected in the listing of  
claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.